

REMARKS

Applicant submits this Reply in response to the non-final Office Action mailed October 1, 2008. Claims 45-93 were pending in this application, of which claims 45, 68, and 85 are independent. By this reply, Applicant has amended claims 45, 65, 68, 85, 87, 89, and 91. Additionally, Applicant has canceled claims 86, 90, 92, and 93, without prejudice or disclaimer, and added new claims 94-142. No new matter has been added.

In the Office Action, the Examiner rejected claim 65 under 35 U.S.C. § 112, second paragraph, as being indefinite; rejected claims 85-93 under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. Pub. No. 2001/0002608 ("Okada"); rejected claims 85-87 and 91 under § 102(b) as being anticipated by WO 01/39963 ("Caretta"); rejected claims 45, 48-65, 68-76, and 78-82 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. Pub. No. 2002/0088529 ("Ogawa") taken in view of at least one of U.S. Pat. No. 3,264,162 ("Holman"), Caretta, and U.S. Pat. No. 4,088,524 ("Taylor"); and rejected claims 46, 47, 66, 67, 83, and 84 under § 103(a) as being unpatentable over Ogawa taken in view of at least one of Holman, Caretta, and Taylor, and further in view of Okada.

In this Reply, Applicant has amended independent claim 45 to recite, in part:

A process for producing tires, comprising: sequentially producing incomplete tire structures in at least one assembly line; temporarily storing the incomplete tire structures; [and] transferring the incomplete tire structures to at least one completion station . . . wherein the storing of the incomplete tire structures is able to absorb the production of the assembly line when the latter is operative and supply the completion station even when the assembly line is at a standstill.

Independent claim 68 has been similarly amended. Support for these amendments can be found in Applicant's specification at least at page 7, lines 18-24.

Applicant has also amended independent claim 85 to recite:

A completion station, comprising: a first supplying member for supplying a first long element of elastomer material [and] a second supplying member for supplying a second long element of elastomer material, the second supplying member being arranged so that the second long element is supplied at a height vertically greater than the first long element

Support for this amendment can be found at least in Applicant's previously submitted dependent claims 90 and 93, as well as Figure 2.

Applicant respectfully traverses all pending objections and rejections for at least the reasons discussed below.

Rejections Under 35 U.S.C. § 112, Second Paragraph

The Examiner rejected claim 65 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. According to the Examiner, "[I]t is not clear how the 'unvulcanized tire structures' defined in line 2 relate to the 'completed tire structures' defined in line 3. If they are the same, it would be clearer if consistent terminology were adopted." Office Action at 2. In response, Applicant has amended claim 65, substituting the term "unvulcanized tire structures" for the term "completed tire structures" in line 3.

Accordingly, Applicants respectfully request the Examiner reconsider and withdraw this rejection.

Rejections Under 35 U.S.C. § 102

Applicant respectfully traverses the rejection of claims 85-93 under 35 U.S.C. § 102(b) as being anticipated by Okada and the rejection of claims 85-87 and

91 under § 102(b) as being anticipated by Caretta. In order to properly establish that either Okada or Caretta anticipates Applicant's claimed invention under 35 U.S.C. § 102, every element of the claims in issue must be found, either expressly or described under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Neither Okada nor Caretta disclose every element of Applicant's claimed invention. Amended independent claim 85 recites, in part, "a first supplying member for supplying a first long element [and] a second supplying member for supplying a second long element . . . , the second supplying member being arranged so that the second long element is supplied at a height vertically greater than the first long element." Neither reference cited by the Examiner discloses such a feature. In the Office Action, the Examiner concedes that Caretta does not disclose this feature, but contends Okada teaches "supplying members operable at the same height (i.e. those operable at a given drum position) as well as at a higher height (for the two different drum height positions in fig. 8) are provided." Office Action at 3. Applicant disagrees. Figure 8 of Okada discloses forming drums 34a and 34b at different heights. But all three of supplying members 110 are in front of the forming drum 34b when supplying the elongate element of elastomeric material and nothing is disclosed regarding the different height of the supplying members 110. The same can be said of supplying members 80 with respect to drums 14a and 14b.

Accordingly, Applicant respectfully requests the Examiner reconsider and withdraw the rejections of amended independent claim 85 based upon Okada and Caretta under § 102. Moreover, claims 87-89 and 91 depend from independent claim 85 and thus, contain all the elements and limitations thereof. As a result, dependent claims 87-89 and 91 are allowable at least due to their corresponding dependence from independent claim 85.

Rejections Under 35 U.S.C. § 103(a)

Applying 35 U.S.C. § 103(a), the Examiner rejected claims 45, 48-65, 68-76, and 78-82 as being unpatentable over Ogawa taken in view of at least one of Holman, Caretta, and Taylor; and rejected claims 46, 47, 66, 67, 83, and 84 as being unpatentable over Ogawa taken in view of at least one of Holman, Caretta, and Taylor, and further in view of Okada. To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See M.P.E.P. § 2142, 8th Ed., Rev. 5 (August 2006). Moreover, “in formulating a rejection under 35 U.S.C. § 103(a) based upon a combination of prior art elements, it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed.” USPTO Memorandum from Margaret A. Focarino, Deputy Commissioner for Patent Operations, May 3, 2007, page 2.

A *prima facie* case of obviousness has not been established because, among other things, none of Ogawa, Holman, Caretta, Taylor, or Okada, alone or in any combination, teaches or suggests every feature of Applicant’s amended claims. Specifically, no reference cited by the Examiner teaches or suggests at least “A process

for producing tires, comprising: sequentially producing incomplete tire structures in at least one assembly line; temporarily storing the incomplete tire structures; [and] transferring the incomplete tire structures to at least one completion station . . . wherein the storing of the incomplete tire structures is able to absorb the production of the assembly line when the latter is operative and supply the completion station even when the assembly line is at a standstill,” as recited in amended independent claim 45.

Amended independent claim 68 recites similar features. In the Office Action, the Examiner contends that “Caretta suggests . . . intermediate storage between stations (note holding positions 24, 25, etc.).” However, the “holding stations” of Caretta serve only to support an incomplete tire while another incomplete tire overtakes the previous one in order to achieve an optimal sequence of different tires to the vulcanization station. See Caretta at p. 32, ll. 1-32. Consequently, the meaning of “holding station” in Caretta is quite different from the “storing station” recited in Applicant’s claims. As clarified in amended independent claim 45, “the storing of the incomplete tire structures [of Applicant’s claims] is able to absorb the production of the assembly line when the latter is operative and supply the completion station even when the assembly line is at a standstill.” In Caretta, if the assembly line is at a standstill, no supplying step is possible towards a completion line (the last workstation) because all the plant is not working. More particularly, no supply step is possible towards the vulcanization line in order to respect the different time of molding and curing of the different models of tires. Thus Caretta does not disclose “the storing of the incomplete tire structures is able to absorb the production of the assembly line when the latter is operative and supply the

completion station even when the assembly line is at a standstill.” Further, no other reference cited by the Examiner teaches or suggests such a feature.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of independent claims 45 and 68 based upon Ogawa, Holman, Caretta, Taylor, and Okada under 35 U.S.C. § 103(a). Moreover, claims 48-65, 69-76, and 78-82 depend from claims 45 and 68, respectively, and thus, contain all the elements and limitations thereof. As a result, dependent claims 48-65, 69-76, and 78-82 are allowable at least due to their corresponding dependence from independent claims 45 and 68.

New Claims

Additionally, none of Ogawa, Holman, Caretta, Taylor, or Okada, alone or in any combination, teaches or suggests every feature of Applicant’s amended claims. New independent claim 94 recites, in part, “A process for producing tires, comprising . . . transferring the incomplete tire structures to at least one completion station [and] forming at least one constituent tire element on each incomplete tire structure via a plurality of supplying members. . . wherein transferring the incomplete tire structures comprises removing the incomplete tire structures from the storage station via an automated arm comprising a support member configured to receive an incomplete tire structure, and reorienting the support member via the automated arm such that the support member is positioned relative to one of the plurality of supplying members for forming the at least one constituent tire element, and wherein forming at least one constituent tire element comprises orienting the support member relative to a first one of the supplying members and forming a first constituent tire element, and re-orienting the

support member relative to a second of the supplying members and forming a second constituent tire element.” New independent claims 117 and 134 recite similar features. No reference cited by the Examiner discloses such a feature. Okada discloses a tire forming system, but that system does not comprise “wherein transferring the incomplete tire structures comprises removing the incomplete tire structures from the storage station via an automated arm comprising a support member configured to receive an incomplete tire structure, and reorienting the support member via the automated arm such that the support member is positioned relative to one of the plurality of supplying members for forming the at least one constituent tire element, and wherein forming at least one constituent tire element comprises orienting the support member relative to a first one of the supplying members and forming a first constituent tire element, and re-orienting the support member relative to a second of the supplying members and forming a second constituent tire element.” Further, despite the Examiner assertion that Caretta “discloses a completion station (e.g. station 9/10) comprising supply members (91, 92, 101, 102) [and] two handling units (R6, R7) able to impart rotation and translation,” (Office Action at 3) that reference nowhere appears to disclose “wherein forming at least one constituent tire element comprises orienting the support member relative to a first one of the supplying members and forming a first constituent tire element, and re-orienting the support member relative to a second of the supplying members and forming a second constituent tire element.”

Claim Scope

It is to be understood that Applicant is in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicant believes that he is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

If the Examiner believes that a telephone conversation might advance prosecution of this application, the Examiner is cordially invited to call Applicant's undersigned attorney at (404) 653-6435.

Applicant respectfully submits that the Office Action contains a number of assertions concerning the related art and the claims. Regardless of whether those assertions are addressed specifically herein, Applicant respectfully declines to automatically subscribe to them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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